

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

ÁNGEL TRINIDAD-PAGÁN

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CIVIL NO.: 08-2391 (ADC/MEL)

REPORT AND RECOMMENDATION

On December 17, 2008, plaintiff, Ángel Trinidad-Pagán (“Trinidad-Pagán”), filed a complaint against the Commissioner of Social Security (“Commissioner”) pursuant to section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), requesting review of a final decision made by the Commissioner. (Docket 2.) On June 2, 2009, the Commissioner filed a motion requesting that the court enter a judgment reversing and remanding the Commissioner’s decision for a rehearing. (Docket 11; Docket 12.) Plaintiff has not filed an opposition to the Commissioner’s motion.

Pursuant to 42 U.S.C. 405(g), the court has the power to “to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a rehearing.” Given the Commissioner’s voluntary request and plaintiff’s lack of opposition, a judgment should be entered reversing and remanding the Commissioner’s decision for a rehearing.

IT IS SO RECOMMENDED.

The parties have ten (10) days to file any objections to this report and recommendation. Failure to file same within the specified time waives the right to appeal this order. Henley Drilling Co. v. McGee, 36 F.3d 143, 150-51 (1st Cir. 1994); United States v. Valencia, 792 F.2d 4, 6-7

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Report and Recommendation

(1st Cir.1986).

In San Juan, Puerto Rico, this 24th day of June, 2009.

s/Marcos E. López

U.S. MAGISTRATE JUDGE